

REMARKS

Applicants affirm the election of claims made by telephone on June 22, 2004.

In paragraph 9 of the office action, claims 11, 15, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 051 172. Applicants respectfully traverse the rejection. Claim 11 is amended to recite "a metallic reflector layer comprising Ag; and a continuous uniform conducting sheet adjacent to the semiconductor structure, wherein the continuous uniform conducting sheet comprises Ni." Applicants have found no teaching in EP 0 051 172 of a "continuous uniform conducting sheet [comprising] Ni" as recited in claim 11; thus EP 0 051 172 fails to anticipate claim 11. Claim 26 is canceled, rendering its rejection moot. Claims 15 and 27 depend from claim 11 and are therefore allowable over EP 0 051 172 for at least the same reason as claim 11.

In paragraphs 10 and 11 of the office action, claims 16, 27, and 28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over EP 0 051 172 as applied in paragraph 9. Applicants respectfully traverse the rejection. Claims 16, 27, and 28 depend from claim 1. The Examiner's comments in paragraphs 10 and 11 add nothing to the deficiencies of EP 0 051 172 with respect to claim 11, thus claims 16, 27, and 28 are allowable over EP 0 051 172 for at least the same reason as claim 11.

In paragraph 12 of the office action, claims 11, 15, 16, 20, 26-28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Mensz et al., "In_xGa_{1-x}N/Al_yGa_{1-y}N violet light emitting diodes with reflective p-contacts for high single sided light extraction." Applicants respectfully traverse the rejection. Claim 11 recites "a metallic reflector layer comprising Ag; and a continuous uniform conducting sheet adjacent to the semiconductor structure, wherein the continuous uniform conducting sheet comprises Ni and makes ohmic contact to the structure." Emphasis added. Applicants respectfully note, as taught in Applicants' specification at page 3 lines 8-15, that the devices taught by Mensz have an

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operating voltage of 5V at 20mA, indicating that the contact is NOT ohmic. Accordingly, Mensz does not teach every element of claim 11. Claim 26 is canceled, rendering its rejection moot. Claims 15, 16, 20, 27, 28, and 30 depend from claim 11 and are thus allowable over Mensz for at least the same reason as claim 11.

In paragraph 13 of the office action, claims 11, 15, 16, 18, 20, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., "Ohmic contacts to Si-implanted and un-implanted n-type GaN." Applicants respectfully traverse the rejection. Claim 11 recites "a metallic reflector layer comprising Ag; and a continuous uniform conducting sheet adjacent to the semiconductor structure, wherein the continuous uniform conducting sheet comprises Ni." Brown et al. do not teach or suggest these elements of claim 11. Claim 26 is canceled, rendering its rejection moot. Claims 15, 16, 18, 20, 27, and 28 depend from claim 11 and are thus allowable over Brown et al. for at least the same reason as claim 11. In paragraph 14 of the office action, claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. Applicants respectfully traverse the rejection. Claim 29 depends from claim 11. The Examiner's comments add nothing to the deficiencies of Brown et al. with respect to claim 1. Claim 29 is thus allowable over Brown et al. for at least the same reason as claim 1.

In paragraph 15 of the office action, claims 11, 15, 16, 18, 20, 26-30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ming-Jiunn et al., U.S. Patent 6,078,064 (hereinafter "Ming-Jiunn") in view of Applicants' prior art admissions. Applicants respectfully traverse the rejection. Ming-Jiunn appears to teach devices where light is extracted through transparent or semi-transparent contacts. In such devices, the contact pad 10 is generally desired to be as small as possible, to minimize the amount of light absorbed. Nowhere does Ming-Jiunn teach or suggest making structure 10 reflective. Since Ming-Jiunn is directed to transparent contacts, a person of skill in the art would not turn to Ming-Jiunn to

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resolve difficulties with reflective contacts. Combination with Applicants' background section does not remedy these deficiencies of Ming-Jiunn. For these reasons, Ming-Jiunn does not render claim 11 obvious. Claim 26 is canceled, rendering its rejection moot. Claims 15, 16, 18, 20, and 27-30 depend from claim 11 and are thus allowable over Ming-Jiunn for at least the same reason as claim 11. In addition, regarding claims 27 and 29, Applicants are unable to locate where the elements added by these claims are taught by Ming-Jiunn or Applicants' prior art admissions, and respectfully request that the Examiner provide a specific citation.

In paragraph 16, claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ming-Jiunn and Applicants' prior art admissions as applied to claim 11, and further in view of Kamakura et al. Claim 31 is amended into independent form. Ming-Jiunn appears to teach devices where light is extracted through transparent or semi-transparent contacts. In such devices, the contact pad 10 is generally desired to be as small as possible, to minimize the amount of light absorbed. Nowhere does Ming-Jiunn teach or suggest making structure 10 reflective. Since Ming-Jiunn is directed to transparent contacts, a person of skill in the art would not turn to Ming-Jiunn to resolve difficulties with reflective contacts. Combination with Applicants' background section does not remedy these deficiencies of Ming-Jiunn. For these reasons, Ming-Jiunn does not render claim 31 obvious. Kamakura et al. is cited in reference to a limitation that has been deleted from claim 31 and as such adds nothing to the deficiencies of Ming-Jiunn and Applicants' prior art admissions. Claim 35 depends from claim 31 is allowable for at least the same reasons.

In paragraph 18, claims 11, 15, 16, 18, 20, 26-31, and 35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent 6,486,499. In paragraph 19, claims 11, 15, 16, 18, 20, 26-31 and 35 are provisionally rejected under the judicially created doctrine of obviousness-type double

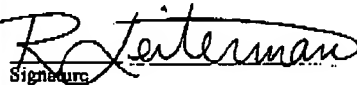
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patenting as being unpatentable over claims 3 and 10 of U.S. Patent Application 10/071,507. Applicants respectfully request that Applicants be permitted to delay responding to these double patenting rejections until the 102 and 103 rejections are overcome. If necessary, Applicants will submit a terminal disclaimer once the Examiner indicates allowable subject matter.

In view of the above arguments, Applicants respectfully request allowance of all pending claims. Should the Examiner have any questions, the Examiner is invited to call the undersigned at (408) 382-0480.

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Respectfully submitted,



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